

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-302-C - ORDER NO. 2003-350

MAY 28, 2003

IN RE: Joint Application of Voicecom)	ORDER DISMISSING
Telecommunications, LLC, Voicecom)	APPLICATION AND
Telecommunications, Inc., and Premiere)	CLOSING DOCKET
Communications, Inc. for Approval of)	
Acquisition of Assets and for Assignment of)	
Authorization to Provide Long Distance)	
Communications.)	

On September 13, 2002, Voicecom Telecommunications, LLC ("VTL"), Voicecom Telecommunications, Inc. ("VTI"), and Premiere Communications, Inc. ("PCI") (collectively the "Applicants") filed with the Public Service Commission of South Carolina ("Commission") a Joint Application requesting the approval of the acquisition of certain assets and for assignment of authorization to provide intrastate long distance telecommunications. Specifically, VTL requested approval to acquire the assets of PCI including the state regulatory authorizations and certificates to provide intrastate long distance telecommunications services.

A review of the record in this case reveals that upon the Commission's direction, the Applicants properly provided notification of their pending Joint Application on file with the Commission. On December 11, 2003, the Commission issued Order No. 2002-846 which established the prefiling deadlines for submission of testimony and exhibits in the instant docket. By Order No. 2002-846, the Applicants were to prefile their direct testimony and exhibits on or before February 6, 2003. Thereafter, on December 12, 2002,

the Commission issued a Notice of Hearing whereby the hearing in this matter was scheduled for March 6, 2003, at 10:30 a.m. The Applicants failed to file their testimony by the due date of February 6, 2003; hence by letter dated February 18, 2003, through VTL and VTI's regulatory counsel, the Applicants requested an extension of time to prefile their testimony and exhibits. Further, the Applicants requested that the initial hearing date of March 6, 2003, be extended for a reasonable amount of time in order for the Applicants and any intervenors to have sufficient time to appropriately file testimony and exhibits. The Commission approved the Applicants' request and accordingly issued Order No. 2003-185, "Order Granting Continuance of Hearing and Modification of Prefiling Deadlines for Testimony" whereby the hearing in this matter was rescheduled for Wednesday, June 4, 2003, at 11:30 a.m. Additionally, Order No. 2003-184, modified the prefile dates from Order No. 2002-846 and directed the Applicants to prefile testimony and exhibits on or before May 7, 2003. The Commission then followed with its Notice of Rescheduled Hearing.

The record reveals further that one of the joint Applicants, PCI, by letter dated March 26, 2003, advised the Commission that PCI wished to immediately cancel its Certificate of Public Convenience and Necessity and any tariffs held by the Company. PCI stated that the Company, as of March 26, 2003, served no customers in South Carolina and that the Company wished to cease offering telecommunications services in South Carolina. Upon PCI's request for cancellation, the Commission Staff contacted counsel for PCI inquiring as to whether or not the Applicants wished to continue with their pending Application in the instant docket. After review of e-mail correspondence

between Commission Staff and PCI's counsel, the record discloses that PCI's counsel informed the Staff that a request to cancel the pending Application would be forthcoming.

As of May 7, 2003, the Applicants had not prefiled their direct testimony and exhibits as required by Order No. 2003-184, nor had any further documents or correspondence been received relative to withdrawal of the pending Application since the last e-mail correspondence mentioned above. Due to the stated circumstances, the Staff brought this matter before the Commission at its regularly scheduled agenda meeting on May 20, 2003, requesting dismissal of the Application.

Due to the failure of the Applicants to comply with the Commission's rules and regulations and failure to respond to the Staff's requests, we find that the Application of VTL, VTI, and PCI should be dismissed.

IT IS THEREFORE ORDERED THAT:

The Joint Application of Voicecom Telecommunications, LLC, Voicecom Telecommunications, Inc., and Premier Communications, Inc. for Approval of the Acquisition of Assets and for Assignment of Authorization to Provide Long Distance Telecommunications is dismissed, and the docket closed.

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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)